

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICOH CO., LTD.,

Plaintiff,

v.

AEROFLEX, *et al.*,

Defendants.

No. C-03-4669 MJJ (EMC)

**ORDER GRANTING IN PART
DEFENDANTS' EX PARTE
APPLICATION FOR RETURN OF
INADVERTENTLY PRODUCED
PRIVILEGED MATERIAL AND
GRANTING MOTION FOR LEAVE TO
FILE SUPPLEMENTAL
DECLARATION OF DENISE DEMORY**

(Docket Nos. 374, 438)

The Court **GRANTS IN PART** Defendants' *ex parte* application to remove references to privileged material and return of inadvertently produced privileged material (Docket No. 374). Plaintiff shall return to Defendants all copies of the July 2005 Fink email, identified in Defendants' *ex parte* application, in Plaintiff's control or possession. As Plaintiff's motion for sanctions, and the supporting Brothers Declaration, were filed under seal, the Court finds it unnecessary to require the burden and expense of removing the Fink email from the moving papers in the court docket. Reference to the July 2005 Fink email is disregarded.

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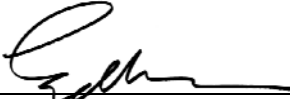
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1 The Court further **GRANTS** Defendants' motion for leave to file the Supplemental
2 Declaration of Denise M. DeMory in Support of Defendants' Opposition to Ricoh's Motion for
3 Sanctions. Defendants shall electronically file the Supplemental Declaration and accompanying
4 exhibits on the public docket.

5 This order disposes of Docket Nos. 374 and 438.

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7 IT IS SO ORDERED.

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9 Dated: April 20, 2006

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11 EDWARD M. CHEN
12 United States Magistrate Judge
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